

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK KIM,

Plaintiff,

v.

BTG PACTUAL ASSET MANAGEMENT US,
LLC, ANASTASIOS ARGEROS, CYRIL
DELAPRAZ, MICHAEL GRANT, JACK
MCCLEARY and WILLIAM ROSE,

Defendants.

22-cv-3547 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On December 13, 2024, Plaintiff filed a motion seeking for the Court to reopen this case in order to vacate a charging lien filed against him by his former counsel, Outten & Golden LLP. The lien appears to relate to a private mediation that occurred after Plaintiff voluntarily dismissed this action without prejudice. Plaintiff's motion is denied. Plaintiff has not only failed to establish any basis under Rule 60(b)(6) for reinstating this action, *Malek v. ACS New York City*, No. 21-CV-5532 (AJN) (OTW), 2021 WL 3887766, at *3 (S.D.N.Y. Aug. 31, 2021) (denying motion to reinstate following voluntary dismissal where plaintiff failed to demonstrate "extraordinary circumstances" pursuant to Rule 60(b)(6)), but this is not the appropriate forum for Plaintiff to litigate a fee dispute concerning fees incurred after this case was closed.

Plaintiff's motion to seal the letter filed by his former counsel at ECF No. 41 is also denied. "The common law right of public access to judicial documents is firmly rooted in our nation's history," *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006), and accordingly a court must "make specific, rigorous findings before sealing [a] document or otherwise denying public access," *Bernstein v. Bernstein Litowitz Berger & Grossmann LLP*, 814 F.3d 132, 141 (2d

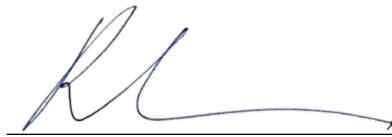
Cir. 2016). Plaintiff has failed to provide a proper justification for sealing the letter, which constitutes a judicial document. Moreover, to the extent the New York Rules of the Chief Administrator of the Courts apply, Section 137.8 does not require sealing, as it merely prevents the arbitration award from being “admitted in evidence at the trial *de novo*.” There was and will be no trial in this action, and nothing has been admitted in evidence.

Finally, the Court reminds Plaintiff that this case is closed.

The Clerk of Court is respectfully directed to terminate all pending motions in this case.

SO ORDERED.

Dated: January 22, 2025
New York, New York



Ronnie Abrams
United States District Judge